

REPORT OF THE COMMITTEE ON BUDGET

Voting Members:

Joey Manahan, Chair; Kymberly Marcos Pine, Vice-Chair;
Michael Formby, Carol Fukunaga, Ron Menor, Heidi Tsuneyoshi

Committee Meeting Held
February 27, 2019

Honorable Ann H. Kobayashi
Interim Chair, City Council
City and County of Honolulu

Madam Chair:

Your Committee on Budget, which considered Bill 70 (2018) entitled:

"A BILL FOR AN ORDINANCE RELATING TO RESTRICTED PARKING ZONES,"

which passed Second Reading on October 3, 2018, reports as follows:

The purpose of this bill is to establish a restricted parking zone (RPZ) program to ease parking congestion in residential neighborhoods.

The Deputy Director of Transportation Services testified that the Department of Transportation Services' ("DTS") cited concerns that requiring DTS' consideration for a majority of residents in an affected area may limit restricted parking zone operations. The Deputy Director noted that it be difficult to get a majority consensus in condominium designed neighborhoods.

A representative from the Honolulu Police Department and the Licensing Administrator from the Department of Customer Services both provided comments on the bill.

Your Committee received no public or written testimony on the bill.

The introducer of the bill submitted, for your Committee's consideration, a proposed CD1 and provided information to your Committee on the general process by which restricted parking zones would be established under the proposed CD1. Generally, the proposed process would be as follows:

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ADOPTED ON **MAR 8 2019**

COMMITTEE REPORT NO. **48**

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1. Petition. Consideration for establishing a particular proposed RPZ begins with a petition submitted to the Director of Transportation Services (DTS Director) signed by a majority of residents in the proposed RPZ area.
 2. DTS Consideration. Upon receipt of a valid petition, the DTS Director considers whether an RPZ is warranted based on engagement with community stakeholders and criteria specified in the Bill, including:
 - Whether 75 percent or more of the capacity of the streets in the proposed RPZ is generally occupied, and more than 35 percent of the vehicles parked on the street in the proposed RPZ are not owned by residents of the designated area.
 - Whether there is an identifiable traffic generator.
 - Whether there has been a strong and effective community engagement effort indicating that stakeholders in the designated area support an RPZ.
 3. Recommendation to Council. If the DTS Director determines that the RPZ is warranted, the Director submits a written recommendation to the City Council to establish the RPZ by ordinance, including information such as the RPZ boundaries, conditions, and commencement date.
 4. Establishment by Ordinance. After the recommendation is received by the Council, a proposed bill for an ordinance shall be introduced to establish the RPZ recommended by the DTS Director, including the fees for RPZ permits. Any change to an RPZ must follow the same procedure.
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5. Permits. DTS may issue RPZ permits upon application and fee payment by qualified persons. Persons with disabilities may park in an RPZ without an RPZ permit. Each eligible dwelling unit may have no more than four annual RPZ permits at a time.

Your Committee approved the above-mentioned proposed CD1 version of the bill which specifically made the following amendments:

- A. In SECTION 2 of the proposed bill:
1. In proposed new ROH Section 15-___.1, adds a definition of "family" and revises the definition of "resident."
 2. In proposed new ROH Section 15-___.2(b)(2), adds language to clarify that the RPZ permit must include the license plate number of the permitted vehicle.
 3. In proposed new ROH Section 15-___.2(d), clarifies that the fees for resident parking permits and visitor permits issued with resident permits are annual and clarifies that the four-permit cap on permits per dwelling unit applies to all annual permits (either resident or visitor), but does not apply to daily permits.
 4. In proposed new ROH Section 15-___.2, adds subsection (e) to provide for an exception to the restricted hours of the restricted parking zone for commercial vehicles during active delivery or service to a property within the RPZ.

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5. In proposed new ROH Section 15-___.2, adds subsection (f) to establish fines for violations of the RPZ, excepting persons with disabilities, and misuse of an RPZ permit, and allows for vehicles parked in violation to be towed.
6. In proposed new ROH Section 15-___.3(a), replaces the requirement that the director consider the establishment of an RPZ with the requirement that the director consider recommending to the Council the establishment of an RPZ.
7. In proposed new ROH Section 15-___.3(d), replaces the requirement that the director submit a resolution to establish an RPZ to the Council for review and approval with the requirement that the director submit a recommendation to the Council to establish the RPZ by ordinance.
8. In proposed new ROH Section 15-___.3, adds subsection (e) to require the Director of Transportation Services to establish a "community steering group" for each RPZ to assist the Department on implementation of the RPZ and on security issues.
9. In proposed new ROH Section 15-___.4, replaces the requirement that the director submit a resolution to expand, reduce, or dissolve an existing RPZ to the Council for review and approval with the requirement that the director submit a recommendation to the Council to do the same by ordinance.

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10. In proposed new ROH Section 15-___.5(a), replaces the fee table setting forth the amounts of fees for restricted parking zone permits with the requirement that fees to be collected by the department for restricted parking zone permits for resident parking, visitor parking with resident permit, and single-day visitor parking in a restricted parking zone must be set forth in the ordinance establishing the restricted parking zone.
 11. In proposed new ROH Section 15-___.5(c), adds conditions which would allow the director to waive or reduce parking permit rates in an RPZ.
- B. In SECTION 3 of the bill, amends subsection (a) of ROH Section 15-13.9 ("Authority to store vehicles"), to allow removal or storage of vehicles parked in a restricted parking zone in violation of the new Article __ enacted by SECTION 2 of the bill.
 - C. In SECTION 5 of the proposed bill, revises the effective date to July 1, 2019.
 - D. Makes miscellaneous technical and nonsubstantive amendments.

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Your Committee on Budget is in accord with the intent and purpose of Bill 70 (2018), as amended herein, and recommends that it pass Third Reading in the form attached hereto, as Bill 70 (2018), CD1. (Ayes: Manahan, Formby, Fukunaga, Menor, Pine, Tsuneyoshi – 6; Noes: None.)

Respectfully submitted,



Committee Chair

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COMMITTEE REPORT NO. 48



A BILL FOR AN ORDINANCE

RELATING TO RESTRICTED PARKING ZONES.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Findings and Purpose. The purpose of this ordinance is to establish a restricted parking zone (RPZ) program to ease parking congestion in residential neighborhoods, particularly those near major traffic generators like hospitals and universities, while balancing the needs of all people to be able to use public streets. Restricted parking zones help neighborhoods deal with the impacts from major traffic generators through transportation and parking demand management strategies, as well as posted time limits from which vehicles displaying a valid RPZ permit are exempt.

SECTION 2. Chapter 15, Revised Ordinances of Honolulu 1990 ("Traffic Code"), is amended by adding a new article to be appropriately designated by the Revisor of Ordinances and to read as follows:

"Article __. Restricted Parking Zones Program

Sec. 15- __.1 Definitions.

For the purposes of this article, unless otherwise indicated, the following definitions apply:

"Department" means the department of transportation services.

"Director" means the director of transportation services or the director's designee.

"Dwelling unit" means the same as defined in Section 21-10.1. Each unit of a multiple-unit dwelling is considered a separate dwelling unit.

"Family" means persons related by blood, adoption, or marriage.

"Resident" means any of the following persons residing in a dwelling unit that is located in a restricted parking zone:

- (1) The owner of the dwelling unit and family members of the owner; or
- (2) The renter of the dwelling unit under a lease of 30 days or more, and family members of the renter.



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"Restricted parking zone" or "RPZ" means an area of at least four contiguous blocks in a residential- or apartment-zoned district where vehicles properly displaying a permit or other authorization pursuant to this article are exempt from the posted parking zone restrictions.

"Restricted parking zone permit" means a card, decal, or other identification issued to an eligible person to be placed on a vehicle that enables it to be parked in a restricted parking zone.

"Visitor" means a person temporarily visiting residents or temporarily having business with residents who are eligible for restricted parking zone permits.

Sec. 15-__2 Administration of restricted parking zones.

- (a) Signage: A restricted parking zone must be appropriately signed or marked.
- (b) Program components and permit use:
 - (1) A restricted parking zone may have one or more of the following components:
 - (A) Parking in the street is reserved for the exclusive use of those vehicles displaying a valid RPZ permit or other identification issued by the director as part of the RPZ program;
 - (B) Parking in the street is reserved during certain posted hours for exclusive use of vehicles displaying a valid RPZ permit or other identification issued by the director as part of the RPZ program; or
 - (C) Time limits are established for parking in the street that apply to all vehicles except vehicles with a valid RPZ permit or other identification issued by the director as part of the RPZ program.
 - (2) The director may issue permits or other means of identification, maintain lists of vehicles owned or used by permit holders, or adopt any other reasonable means of distinguishing vehicles that are validly parked in a restricted parking zone from other vehicles. The permit or other means of identification must include the license plate number of the permitted motor vehicle.



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- (3) A permit does not guarantee or reserve to the holder an on-street parking space within the designated restricted parking zone.
- (c) Application: In order to obtain an RPZ permit, an applicant must present proof of residency in the RPZ, in addition to submittal of a completed application to the director. An applicant must also present proof that the address of vehicle registration matches the applicant's dwelling unit address, or otherwise present proof of residence within the RPZ.
- (d) Permit limit: Each eligible dwelling unit is entitled to have no more than four annual RPZ permits at any one time.
- (e) Exception: Restricted hours of the restricted parking zone shall not apply to commercial vehicles during active delivery or service to a property within the RPZ.
- (f) Violations:
 - (1) Except as provided in subsection (3), the registered owner of a vehicle not properly displaying a permit or other authorization pursuant to this article and parked within a restricted parking zone shall be subject to a fine of \$35.00. Every hour a vehicle remains parked in violation of this subdivision shall constitute a separate violation.
 - (2) A person misusing a permit, including but not limited to selling, counterfeiting, improperly using, or stealing a permit, or as otherwise determined by the director, shall be subject to a fine of \$55.00. Every day a permit is improperly used shall constitute a separate violation.
 - (3) A driver of a motor vehicle who has a disability as defined under the Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101, et seq., as amended, and displays on the motor vehicle a valid windshield placard or special license plate for persons with disabilities issued in accordance with HRS Chapter 291, Part III, may park in an RPZ without having an RPZ permit.



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Sec. 15-__3 Establishment of restricted parking zones.

- (a) The director shall consider recommending to the Council the establishment of an RPZ upon receipt of a petition signed by a majority of the residents in the area specified in the petition for the RPZ. Except as provided in Section 15-__6, the director may not recommend to the Council the establishment of an RPZ in any area in which the residents have not petitioned for the program.
- (b) Upon receipt of a petition meeting the requirements of subsection (a), the director shall engage affected and interested community stakeholders through a public information and involvement program that may include department presentations to business and community associations or organizations, information distribution through the city's web site, news releases and related media, direct mailings of informational materials, facilitated meetings, sounding boards, walking tours, surveys, and other means of outreach and information gathering.
- (c) In determining whether to recommend the establishment of the RPZ, the director shall consider the following:
 - (1) Whether 75 percent or more of the capacity of the streets in the proposed RPZ is generally occupied, and more than 35 percent of the vehicles parked on the street in the proposed RPZ are not owned by residents of the designated area;
 - (2) Whether there is an identifiable traffic generator;
 - (3) Whether there has been a strong and effective community engagement effort indicating that stakeholders in the designated area support an RPZ;
 - (4) Whether an RPZ would promote certain benefits or would result in adverse impacts.
 - (A) Benefits include, but are not limited to: increased access for area residents, reduced traffic congestion, increased traffic or pedestrian safety, reduced air or noise pollution, reduced commuter parking in neighborhoods, prevention of blighted areas, and promotion of the use of alternative modes of transportation.



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- (B) Adverse impacts include, but are not limited to: transferring a parking problem to a different area, inability to effectively enforce program restrictions, lack of alternative transportation modes, and availability of simpler, cheaper, or more effective solutions; and
- (5) Whether the public interest would be served.
- (d) If the director determines that an RPZ should be established, the director shall submit a written recommendation to the council to establish the RPZ by ordinance. The recommendation, at a minimum, must include the reasons an RPZ is needed, the boundaries of the RPZ, the terms and conditions of the RPZ, and the anticipated commencement date of the RPZ.
- (e) Upon establishment of an RPZ by the council by ordinance, the director shall establish a community steering group for the RPZ. RPZ community steering groups shall be responsible for working with the department on implementation of the RPZ and on community security issues.

Sec. 15-__4 Expanding, reducing, or dissolving restricted parking zones.

If the director wishes to recommend that the Council expand, reduce, or dissolve an existing RPZ, the director shall engage the community in the same manner as for the establishment of an RPZ under Section 15-__3(b) and, if the director determines that the expansion, reduction or dissolution will be in the public interest, the director shall submit a written recommendation to the council to expand, reduce, or dissolve the RPZ by enactment of an appropriate revision or repeal of the existing ordinance. The recommendation, at a minimum, must include the reasons for the recommended action, the new boundaries as applicable, any changes to the terms and conditions of the restricted parking zone, and the anticipated commencement date of the recommended action.

Sec. 15-__5 Fees for restricted parking zone permits—Waiver or reduction of fees.

- (a) The fees to be collected by the department for restricted parking zone permits for resident parking, visitor parking with resident permit, and single-day visitor parking in a restricted parking zone must be set forth in the ordinance establishing the restricted parking zone.
- (b) The director is authorized to cap the number of single-day visitor permits issued per restricted parking zone.



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- c) The director may waive or reduce a restricted parking zone fee whenever:
- (1) The waiver or reduction is in the overall public interest due to extraordinary facts or circumstance;
 - (2) The waiver or reduction is consistent with the goals of the restricted parking zone program;
 - (3) The waiver or reduction is due to a finding by the director that the rates are too high for a particular geographic area; or
 - (4) The waiver or reduction is due to a finding by the director that the rate would cause an undue financial hardship on affected residents.
- (d) The director, pursuant to HRS Chapter 91, may adopt rules to implement the provisions of this article."

SECTION 3. Section 15-13.9, Revised Ordinances of Honolulu 1990 ("Authority to store vehicles"), is amended by amending subsection (a) to read as follows:

- "(a) Officers and employees of the Honolulu police department and department of customer services are authorized to remove vehicles or cause them to be removed from a street, highway, or pedestrian mall to a storage area or other place of safety under any of the following circumstances:
- (1) When any vehicle is left unattended upon any bridge or elevated structure, viaduct, causeway, or left unattended in any tube or tunnel, where such vehicle constitutes an obstruction to traffic;
 - (2) When any vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle request the removal of the vehicle or are by reason of physical injury incapacitated to such an extent as to be unable to provide for the vehicle's custody or removal;
 - (3) When any vehicle is left unattended upon a street and is parked illegally so as to constitute a definite hazard or obstruction to the normal movement of traffic;
 - (4) When any vehicle is left unattended or parked in a tow zone during the time of restricted parking during the morning peak traffic hours designated



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by official signs specifying the hours of restricted parking every day, except Saturdays, Sundays, and public holidays on the streets or portions thereof described in Schedule XVII;*

- (5) When any vehicle is left unattended or parked in a tow zone during the time of restricted parking during the afternoon peak traffic hours designated by official signs specifying the hours of restricted parking every day, except Saturdays, Sundays, and public holidays on the streets or portions thereof described in Schedule XVIII;*
- (6) When any vehicle is left unattended or parked in a tow zone during the time of restricted parking during the morning and/or afternoon peak traffic hours designated by official signs specifying the hours of restricted parking every day, except Saturdays, Sundays, and public holidays on the streets or portions thereof described in Schedule XIX;*
- (7) When any vehicle is left unattended or parked in a tow zone at all hours of any day on the streets or portions thereof described in Schedule XX;*
- (8) When any vehicle is left unattended or parked in a tow zone during the time of restricted parking designated by official signs specifying those times of restricted parking on the streets or portions thereof described in Schedule XXI;*
- (9) When any vehicle is left unattended or parked upon a street and is parked in front of a public or private driveway so as to constitute an obstruction to vehicular traffic using or attempting to use such driveway for purposes of egress or ingress;
- (10) When any vehicle is left unattended on a street, or portion thereof, so as to interfere with or impede construction, demolition, repair and/or maintenance work being done on, adjacent to, above or below the street, provided a permit has been issued for the work by the director of transportation services, and adequate regulatory signs are posted designating the time of the prohibition;
- (11) When any vehicle is left unattended upon any street within 10 feet of a fire hydrant;
- (12) When any vehicle is left unattended upon any street within four feet of either side of a public or private driveway;



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- (13) When any vehicle is left unattended or parked in a crosswalk, or within 20 feet of a crosswalk at an intersection, or within 20 feet upon the approach to any midblock crosswalk;
- (14) When any vehicle is left unattended at any time on the roadway portion of any freeway; or when any vehicle, except an authorized emergency vehicle or highway maintenance or construction equipment, is left unattended on the median, shoulder, or any other portion, other than the roadway portion, of any freeway for more than four hours;
- (15) When any bus, truck, truck-trailer, trailer, van, house trailer, or any vehicle used for commercial purposes whose gross vehicle weight is 10,000 pounds or more, except vehicles of the public utilities and construction equipment while engaged in repair or construction work, or vehicles actually loading or unloading goods, wares or merchandise, is parked on any public street for more than four consecutive hours;
- (16) When any vehicle is left unattended in a transit or an express bus lane;
- (17) When any vehicle is left unattended upon any bicycle lane or bicycle path;
- (18) When any vehicle is left unattended or parked in violation of the pedestrian mall provisions of Article 25;
- (19) When any vehicle is left unattended or parked in an official bus stop as described in Schedule XXV;*
- (20) When any vehicle is parked, stopped or left standing in violation of Section 15-14.1(a)(21) to (a)(26);
- (21) When any vehicle is left unattended or parked on any public street, road, or highway, and the vehicle has any one or more of the following:
 - (A) No valid vehicle registration emblem or an expired vehicle registration emblem;
 - (B) No valid sticker affixed certifying a certificate of inspection as required in HRS Section 286-26 or an expired certificate of inspection sticker; or
 - (C) No valid license plates.



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For purposes of this paragraph: "Public street, roadway, or highway" includes the entire width, including berm or shoulder, of every road, alley, street, way, lane, trail, highway, bikeway, or bridge when any part thereof is open for use by the public~~[-]~~; and

(22) When a vehicle is parked in a restrictive parking zone in violation of Article _____ of this chapter."

SECTION 4. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



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SECTION 5. This ordinance takes effect on July 1, 2019.

INTRODUCED BY:

Carol Fukunaga

DATE OF INTRODUCTION:

September 6, 2018

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

KIRK CALDWELL, Mayor
City and County of Honolulu